




# PLANNING & ZONING COMMISSION

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>04/26/07</b>	<b>AGENDA REQUEST NO:</b>	<b>IV-A</b>
<b>INITIATED BY:</b>	<b>SABINE SOMERS-KUENZEL, AICP</b>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>PLANNING</b>
<b>PRESENTED BY:</b>	<b>SABINE SOMERS-KUENZEL, AICP</b>	<b>ASSISTANT PLANNING DIRECTOR:</b>	<b>N/A</b>
		<b>ADDITIONAL DEPARTMENT. HEAD (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>TRACT 3 GENERAL PLAN PUBLIC HEARING, DISCUSSION AND DIRECTION, POSSIBLE CONSIDERATION AND ACTION</b>		
<b>EXHIBITS:</b>	<b>DRAFT GENERAL PLAN; DRAFT OPEN SPACE PLAN</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>N/A</b>	<b>DIRECTOR OF PLANNING:</b>	<b>SABINE SOMERS-KUENZEL, AICP</b> 
<b>RECOMMENDED ACTION</b>			
Review and Discuss following a Public Hearing; possible Consideration and Action			
When the Commission is prepared to take action on the General Plan, the following conditions should be included at a minimum:			
<ol style="list-style-type: none"><li>1) The residential option is removed from the tract designated as B/LV on the General Plan draft</li><li>2) The "B" and "C" tracts are relabeled to avoid confusion with zoning classifications</li><li>3) A clarification note is added to the plan that it does not constitute zoning</li><li>4) All future development occurs pursuant to an approved Planned Development District final development plan (with the exception of the 25.7 acre retail tract at the corner of Voss and Highway 6)</li><li>5) Access and utilities are provided to the northern wetlands/floodplain area through future development processes</li><li>6) Addition of the remaining Imperial property into the boundary of the General Plan</li><li>7) Finalization of the Traffic Impact analysis to gain staff concurrence</li><li>8) Future changes to the drainage plans to incorporate the latest floodplain and floodway data and mitigation to meet City flood regulations</li></ol>			
<b>EXECUTIVE SUMMARY</b>			

We have scheduled a Public Hearing at this Commission meeting, followed by review and discussion on the Tract 3 General Plan. Although not required by statute or City Codes, we planned a Public Hearing for the Tract 3 General Plan in an effort to ensure good public communication and input regarding the project. In response to the applicant's request for expediting review, we have also posted a possible action in case the Commission decides it is ready to make a recommendation. As in any General Plan case, the Commission has the option to defer action and request additional information from the applicant and staff.

Several months ago, the developer, Cherokee Investment Partners, had been pursuing submittal of both a General Plan (GP) and the first step of a two step Planning Development District (PD). Due to some recent time constraints that Imperial has placed on Cherokee, the developer decided recently to begin the review process with the GP only, and will follow with a more detailed PD submittal in the near future. This is the process that is more typically followed. For example, in the Lake Pointe development, the developer first received approval of the concepts shown on his General Plan, and then worked with the neighboring homeowners during the rezonings that followed. The General Plan does not constitute zoning nor does it set any zoning rights or restrictions.

On April 10, 2007 Cherokee had the opportunity to introduce their development concepts to the Commission for the Tract 3 property. The Commission provided initial feedback regarding the project as well. Several people provided initial input during the public comment item at the beginning of the meeting.

General Plans are the first step in the subdivision platting process, and are addressed in Chapter 5 of the City of Sugar Land Development Code. Ultimately the City Council has the authority to approve or deny them, pursuant to the Commission's recommendation. This decision will be based on the finding of whether the proposal generally complies 1) with the City's subdivision regulations relative to Land Plans, and 2) with the duly adopted Comprehensive Plan, including the Land Use Plan, Thoroughfare Plan, and all applicable master plans. An analysis of these regulations and plans follows in the attached staff report.

Over the past nine months, the staff has reviewed several iterations of the General Plan application, including the associated traffic and drainage studies as well as major utility concepts. The Traffic Impact analysis is still under review, but the land use and drainage concepts, with some exceptions, have received general staff concurrence that the proposed development meets the City's Comprehensive Plan and Subdivision Regulations. The exceptions are further discussed in the staff report and are incorporated into Staff's preliminary recommendations.

When the General Plan is approved, it will be the map that we will compare future rezoning and subdivision requests (as we do with Telfair and Lake Pointe, for example). We will also compare pending development requests with the broad concepts as communicated by the developer as his intent to show compliance with the City's Comprehensive Plan. These concepts are taken from the applicant's "statement of intent", which was originally submitted to support and provide specific zoning standards for a PD rezoning. At the applicant's request, that statement was forwarded to the Commission at your workshop meeting on April 10. It was intended to provide additional information. Many of its provisions cannot be enforced until the property is formally zoned PD. Therefore, the statement in its entirety is not before the Commission for approval.

Table includes the concepts that are up for consideration with the General Plan.

**Table 1 – Excerpts from applicant's statement of intent applicable to the General Plan approval**

- 1) The next step in development is through the Planned Development District (PD) zoning process
- 2) The Imperial Char house, a warehouse, and the water tower will be preserved and rehabilitated to set a historic theme to the mixed use commercial/residential area

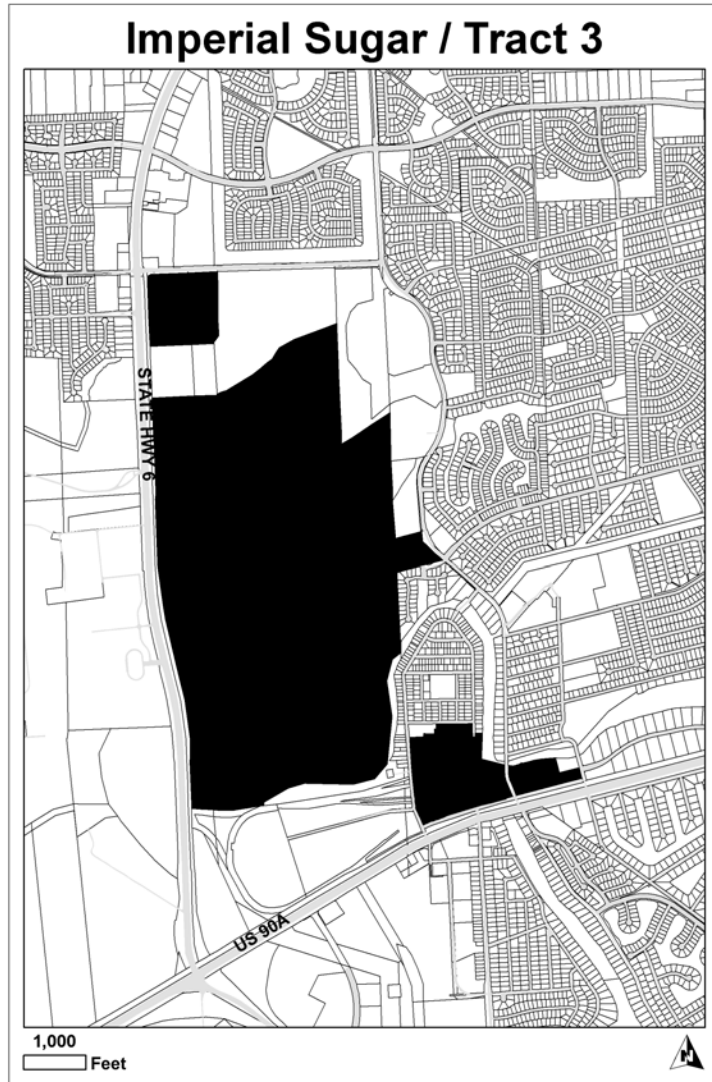
- 3) The residential uses in the mixed use area will be of superior quality that is further detailed through the PD process
- 4) The perimeter of the mixed use area across from existing single family development contains a buffer with height, landscaping, and use details further determined through the PD process
- 5) The “TN” higher density single family areas will also be of superior quality that is further detailed through the PD process
- 6) The perimeter of the “TN” area across from existing single family development contains a buffer with height, landscaping, and use details further determined through the PD process
- 7) Oyster Creek will be enhanced to be an amenity for the development
- 8) Future interconnected trails that serve the development and connect to the City’s future trail system
- 9) Highway 6 frontage tracts that accommodate uses that promote balanced, sustainable development in the City, to include office, limited light industrial, and limited retail uses that support the City and its airport
- 10) The opportunity in the future to implement the City’s Thoroughfare Plan to extend University Blvd. north of 90A through the southern end of the property to the future east-west connector

## EXHIBITS

### ANALYSIS:

#### **LOCATION:**

The property is bounded by State Highway 6, Voss Road, Burney Road, and US 90A to the South. All of the 651 acres have been within the City Limits since annexation in 2005. The current zoning of the property is a combination of Interim Single-Family Residential (R-1), General Industrial (M-2), and General Business (B-2).



## **I. STANDARD OF REVIEW – SUBDIVISION REGULATIONS:**

*Sec. 5-9. Land plan approval.*

*A. A land plan (general plan, master plan, concept plan) shall be submitted to the administrative officer for review by the commission and the city council, for approval of the concept, prior to or in conjunction with the submittal of any preliminary or final plat, except as noted below, for any tract of land over fifty (50) acres in size proposed for residential use or any parcel proposed for nonresidential use over thirty (30) acres. If the administrative officer determines that an area less than fifty (50) acres contains unique features or is surrounded by existing or proposed subdivisions with potential limited access, a land plan may be required to be reviewed prior to the preliminary or final plat submittal.*

**The purpose of the land plan is to allow the commission and city council to review the proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the comprehensive plan, and the property's relationship to adjoining subdivisions or properties.**

*Where a phased or partial development is proposed, the land plan area shall include the entire property from which the phase is being subdivided. Where the applicant can demonstrate that natural or man-made features, such as thoroughfares and creeks, make unnecessary the inclusion of the entire property in the land plan to adequately review the items listed in the preceding paragraph, the subdivider may request approval from the administrative officer for a submittal of smaller land plan area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller plan area. A land plan shall not be required if the preliminary plat(s) contains sufficient information to provide for the proper coordination of development.*

*B. The land plan shall be submitted for review and recommendation to the parks and recreation director for **conformance with park land dedication requirements** prior to the recommendation of the land plan by the commission. Substantial changes to the land plan which may affect the park dedication requirements and park location shall be resubmitted to the parks and recreation director.*

*C. The submittal of the land plan shall be accompanied by the completed application as specified by the city. The submittal fees established are set by separate ordinance and must accompany the application.*

*D. Any land plan or plat subdivision involving a change to a proposed corridor in the City of Sugar Land Thoroughfare Plan must be preceded by submission and approval of a **traffic impact analysis** if required by the administrative officer. Failure to provide for such approval prior to submission of a land study or plan may be grounds for denial.*

*E. The approval in concept of the land plan by the city council does not constitute approval of the subsequent plats within the plan boundaries.*

*F. The graphic requirements for the land plan are contained in this chapter in section 5-17.*

### **Major thoroughfare and collector street patterns:**

**The proposed General Plan reflects compliance with the Thoroughfare Plan, which shows an east-west connector (arterial) extending from Burney Road through to Highway 6. It also shows the future University Boulevard connection from that road south to eventually connect with Highway 90A. The actual rail crossing has yet to be worked out, but the applicant has committed to purchasing the tract,**

and to continue with his efforts to address the issues that currently prevent the connection. The University Boulevard North Feasibility Study provided for additional detail of the location of those roadways, assumed that the connection to 90A would be a long term project, and provided additional detail regarding the design of the intersection at Burney Road to discourage south-bound movements. The General Plan shows compliance with the City's adopted policies regarding major roadways.

#### *Land Use:*

See Land Use Plan discussion, below.

#### *Environmental issues:*

##### **Parkland**

Section B. requires submittal to the Parks Director for a recommendation prior to that of the Commission. Based on preliminary calculations, the contemplated density of roughly 1650 dwelling units would result in approximately 15 acres of parkland dedication required.

The General Plan includes substantial future public and private parks and other open space amenities. The concept includes utilization of Oyster Creek as an open space amenity with trails connecting to the City's future trail system, a 39 acre wetland area that is proposed to remain undeveloped, and significant acreage devoted to open space for floodplain mitigation. In all, there are 253.6 acres shown as either greenspace or waterways.

The Parks Director has reviewed the General Plan and believes the layout is in compliance with the Parks, Recreation, and Open Space Master Plan. This opinion stems from the department's focus on a passive and possible active use park in the northern 78 wetland and acres, the opportunity to expand Mayfield Park, and the trail concept along Oyster Creek.

There are several details and concerns that will need to be addressed either through the pending development processes or through the Development Agreement. These include the following:

- 1) Street access to the northern wetland and floodplain area
- 2) Future utility (water and wastewater) availability to that area
- 3) Actual breakdown of acreage for public, private, and semi-public parkland

##### **Drainage**

The City Engineer's office has concurred with the general drainage study, which made assumptions regarding floodplain mitigate and detention. In December, 2006, this concurrence was communicated to the applicant, with specific conditions that will need to be addressed in the future, such as a formal Letter of Map Revision process, additional hydraulic studies, and addressing the future Ditch H expansion.

#### *Comprehensive Plan:*

See next section (Standard of Review II- Comprehensive Plan)

#### *Property's relationship to adjoining subdivisions or properties:*

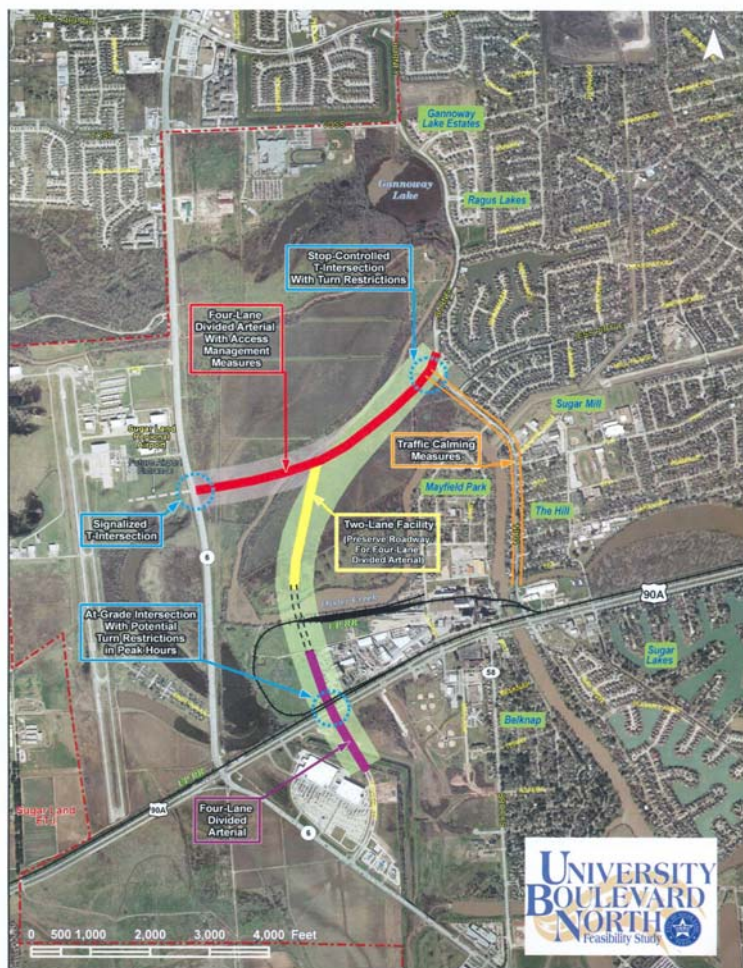
## Residential protection

The property is located immediately across Highway from the Sugar Land Regional Airport and Cullinan Park. A TXDOT facility, Kempner High School, and City parkland abut the site to the north. There is single family development all along the property's east side, with established single family neighborhoods beyond Burney Road. Nalco abuts the property to the south. All of these properties will be impacted by the development of this property. A sound approach to transitions and buffering are therefore necessary. The development of the tracts under a PD zoning approach is the best way to assure public concerns are adequately addressed.

## Traffic Impact Analysis

The focus of Staff's review of the Traffic Impact analysis was to compare the proposed layout of the roadways with the Thoroughfare Plan and with the University North Feasibility Study. As with other developments and in response to public input regarding traffic impacts, the goal is to allow the least amount of impact to existing neighborhoods, and to require developer mitigation of negative impacts that decrease service levels below those set by ordinance. The staff has worked with the applicant to address general impacts, and while the TIA has not yet been approved, it appears that the concepts shown in the General Plan can be mitigated to acceptable levels. The actual design of these mitigating roadway improvements will occur in phases as the subdivision sections are installed in the future, and more detailed studies and improvements will be finalized with subdivision plats in the future.

### Recommended Transportation Improvements





## II. STANDARD OF REVIEW - THE COMPREHENSIVE PLAN:

### **CHAPTER 5 (GOALS, OBJECTIVES, AND STRATEGIES)**

A key element of review of a General Plan is examination of the submittal with applicable goals and objectives of the City of Sugar Land Comprehensive Plan contained within Chapter Five. The following information is provided to aid in decision-making. The following goals from Chapter 5 of the Comprehensive Plan of the City of Sugar Land have been used to evaluate General Plans such as Lake Pointe and Telfair, as well as this request:

#### **Goal One / Safe and Beautiful City:**

*Preserve and enhance a beautiful city that is clean, safe, and aesthetically pleasing; a city that will foster pride and appeal to our citizens, corporate community, and visitors.*

#### **Goal Two / Economically Sustainable City:**

*Promote a vibrant, diversified economy that enhances the quality of services while maintaining a competitive tax rate.*

#### **Goal Nine / Parks, Recreation, Leisure, and Open Space:**

*Provide a park system that meets the total recreation and leisure needs of the community. Identify, protect, and preserve open spaces and critical natural areas.*

#### **Goal Eleven / Historic Preservation:**

*Preserve, protect, and enhance natural, historical, cultural, and architectural features.*

#### **Goal Thirteen / Planning for the Future:**

*Continue to refine and expand the vision of Sugar Land as a dynamic guide for the future.*

The Goals of Chapter 5 of the Comprehensive Plan listed above provide the framework for decision-making. The Tract 3 General Plan appears to be in conformance with these goals.

### **CHAPTER 6 (DESIGN GUIDELINES AND LAND USE PLAN)**

As discussed with the Commission at the workshop on April 10, 2007, the Tract 3 area was evaluated as a specific study area in Chapter 6 (Land Use Plan), and conformance to the Land Use Plan is a critical element of General Plan approval. The overall design of the proposed Tract 3 General Plan has been evaluated by staff as to Chapter 6 criteria. The following chart is provided to layout the key acreages and land uses proposed in the General Plan compared with the ratios

#### **PROPOSED TRACT 3 GENERAL PLAN (April 2007)**

Land Uses:	Approximate Acres:	Land Use Plan ratios:
Residential Single Family Detached- (LVI)	128.2 (32%)*	46% (Decrease of roughly 30%)
Residential -Traditional Neighborhood Development	103.9 (36%)*	18% (Increase of roughly 100%)
Commercial Retail	26.7 (6%)*	7%
Business / Office Park (labeled B1, B2, BLV)	58 (15%)*	18%
Mixed Use Res./ Retail (MU1, 2, & 3)	46 (12%)*	11%
OPEN SPACE AREAS- Neighborhood Parks, Rec., Landscape Easements, Drainage, Lakes	Shown as 253.6 (41%)	32% (Increase of roughly 25%)



<b>Total Acreage: (approx.)</b>	<b>651.0</b>	

\* Adjusted for major road right-of-way and netting out open space

The above table shows that for the most part, the land uses shown on the General Plan are proportional to the Land Use Plan. There are more physical constraints on the property than were anticipated during the Land Use Plan adoption process.

The major difference between the Land Use Plan and the submitted General Plan is in the decrease of the single family and the relative increase in the “TN” higher density single family acreage. This change can be justified if the developer can demonstrate a superior product for the TN area through the pending PD process.

The business uses shown for the Highway 6 frontage tracts assume that none of the acreage will be used for single family residential uses. This assumption keeps the relative ratios proportional with those shown on the Land Use Plan. A conversion of the “flex” tract to single family would result in a reduction of the acreage by roughly half of the acreage contemplated in the Land Use Plan.

-  **Single Family Residential**
-  **Medium Density Single Family Residential**
-  **Medium Density Attached Residential**
-  **Multi Family Residential**
-  **Planned Residential**
-  **Mixed Use - Residential/Retail**
-  **Office/Neighborhood Services**
-  **Retail Commercial**
-  **Mixed Use - Retail/R&D**
-  **Parks/Open/Buffers**
-  **Public**
-  **Light Industrial**



## **LAND USE PLAN - AREAS 4A, 4B, AND 5**

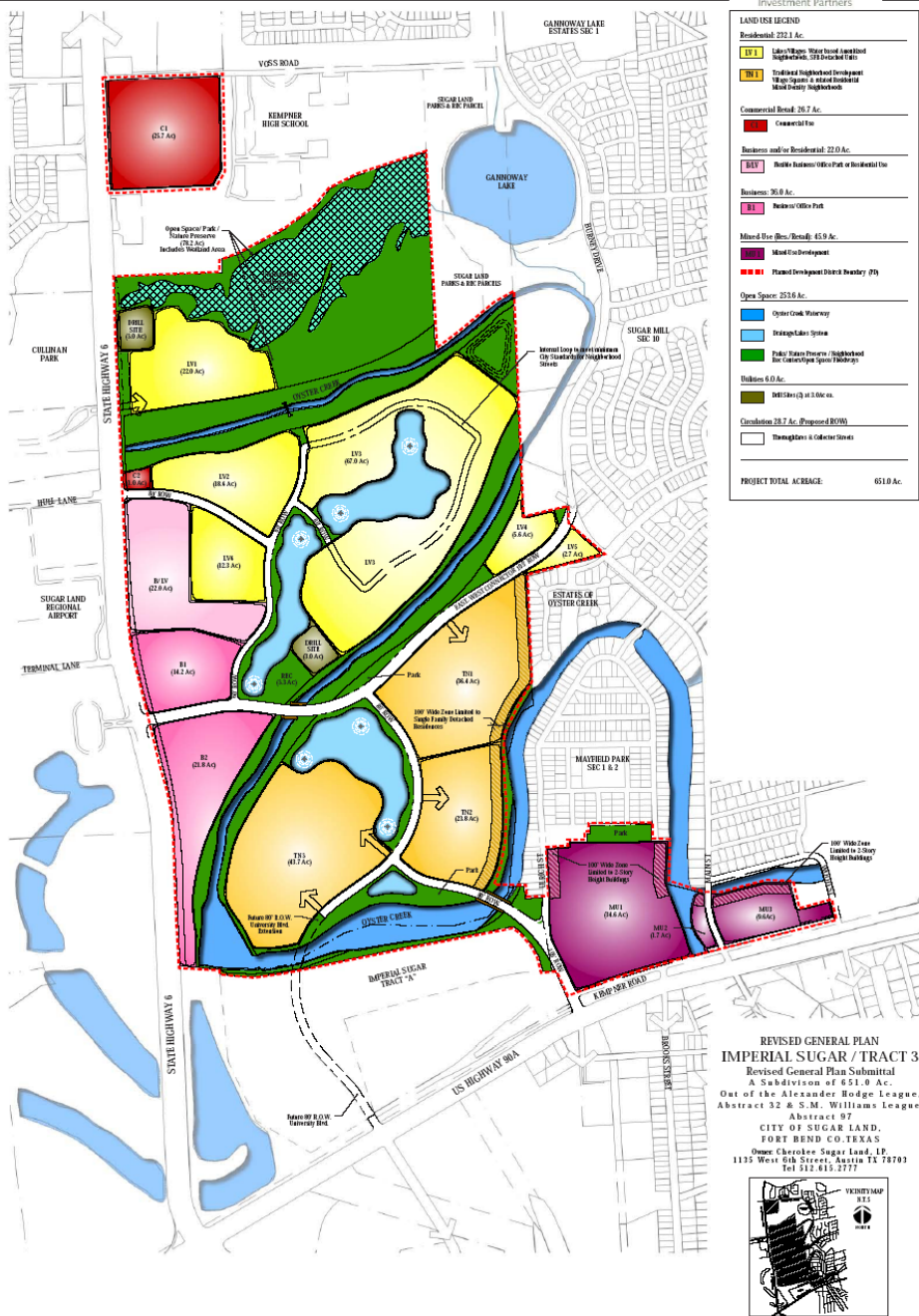
### **Recommendation**

The Planning and Zoning Commission's Scenario involves a mix of future residential retail use on the Imperial site, Nalco site (for future redevelopment should the use be abandoned), and the creek frontage north of Oyster Creek to allow for a transition into the single family residential uses to the north and to allow creative redevelopment of the Imperial site and vicinity. The single family residential would continue north of the Burney Road Bypass and Oyster Creek, with light industrial uses along the Highway 6 frontage. There is an opportunity to create a new zoning district that lists the City's target industries and incorporates buffering and design standards. This option should be studied and pursued prior to development of any commercial or economic development uses. Three tracts of retail commercial are shown on Highway 6 at the Voss, Burney Road Bypass, and Highway 90A intersections. More flexible residential uses would only be entertained in some areas if a proposed development is processed through the PD district and is beneficial to the community. The gross density for any residential area, inclusive of the buffers, should remain between 3 and 4 dwelling units per acre, which is the average gross density of the conventional suburban single family areas of the City. This scenario also shows a significant amount of green space over the areas that are likely to be wetlands, along Oyster Creek to allow for future trials, and in buffer areas to allow for transitions between land uses.

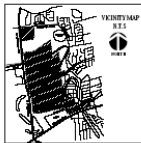
### **Other Recommendations Include:**

- Continue to pursue options to retain the western half of Gannoway Lakes and explore options for surrounding areas through the Parks Master Plan update.
- As a part of the Parks Master Plan update, study the potential for implementing a trail system along Oyster Creek.
- Any public/private partnerships that will preserve the Imperial buildings and rehabilitate them through adaptive reuse will be supported.

# General Plan



**REVISED GENERAL PLAN**  
**IMPERIAL SUGAR / TRACT 3**  
Revised General Plan Submittal  
A Subdivision of 651.0 Ac.  
Out of the Alexander Hodge League,  
Abstract 32 & S.M. Williams League.  
Abstract 97  
**CITY OF SUGAR LAND,**  
**FORT BEND CO., TEXAS**  
Owner: Cherokee Sugar Land, L.P.  
1135 West 6th Street, Austin TX 78703  
Tel 512.615.2777



**T B G**  
PARTNERS

**CHEROKEE**  
Investment Partners

**OPEN SPACE & ENVIRONMENTAL FEATURE LEGEND**  
Parks: 109.6 Ac.  
Dry Detention Basins: 144.0 Ac.

- Parks / Open Space / High School Parks / High School for Girls / Other Open Space / Open Space
- Optic Creek Waterway
- Drainage/Lake Assembly System
- Detention/Water Treatment
- Dry Detention Basins

**Utilities: 6.0 Ac.**

- Water Line
- Open Space Total: 259.6 Ac.
- Planned Development District Boundary (PD)

**CITY OF SUGAR LAND PARKS REQUIREMENTS**

Land Use	Average	D.I. Ac.	TTL Units	Footcils
TR 1	12.5	3.7	474	1,609
TR 1	143.9	6.0	623	2,182
MH 1	45.0	10.0	400	1,006

Total Ac.: 280.0  
Total Units: 1,536  
Total Footcils: 5,447  
Total Park Land Required (MAYFIELD boundary): 15.5

**REVISED OPEN SPACE & ENV. FEATURES**  
**IMPERIAL SUGAR / TRACT 3**  
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A Subdivision of 651.9 Ac.  
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CITY OF SUGAR LAND,  
FORT BEND COUNTY TEXAS  
Owner: Cherokee Sugar Land, LP  
1135 West 6th Street, Austin TX 78703  
Tel 512.615.2777

**KENNY MAP**  
BY  
DATE

**TBG**  
ARCHITECTS